

PHARMACY EXAMINING BOARD
REGULAR MEETING
MARCH 15, 2000

MEMBERS PRESENT: John Bohlman, R.Ph., Sue Sutter, R.Ph., Michael Bettiga, R.Ph., Dan Luce, R.Ph., Cynthia Benning, R.Ph., Charlotte Rasmussen, Georgina Forbes

LEGAL COUNSEL: William Black

STAFF PRESENT: Patrick D. Braatz, Karen Rude-Evans

GUESTS PRESENT: Mike Haas, Knoll Pharmacy; Ed Brezinski, ADDS Telepharmacy Solutions; Philip Trapstein, Beth Carlberg, Nicole Northrup, Adonnas Nehls and Darcy Renlau, Pharmacy Students; Paul Rosowski, Pharmacy Internship Board; David Knetz, School of Pharmacy

CALL TO ORDER

Chair John Bohlman called the meeting to order at 9:00 a.m.

Patrick Braatz informed the Board that Don Rittel, an attorney with the Division of Legal Services who has been assigned as legal counsel to the Pharmacy Examining Board has submitted his letter of resignation. William Black has been assigned by the Department General Counsel as the Pharmacy Board legal counsel at this time.

APPROVAL OF AGENDA

Amendments: -Letter regarding Continuing Education.
-Stipulation regarding William J. Clark, R.Ph.
-Stipulation regarding James J. Kunz, R.Ph.
-Case closing regarding 99PHM 076
-Case closing regarding 99 PHM 078
-Case closing regarding 99 PHM 069
-Letter from Carmen Catizone from NABP for information purposes
-Distributor Request from ICN Dutch Holdings

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

Amendments: -Add "Betty Chewning, Dave Kreling and Jill Lemke, Exam Task Force" under GUESTS PRESENT
-On page 2, under RULES STATUS, third paragraph, change "Prescriptions" to "Duties"

- On page 4, under PSW ANNUAL LEGISLATIVE DAY..., change the last sentence to read, "Michael Bettiga is not available."
- On page 4, under REVIEW OF INDIANA..., change the first sentence to read, "Cynthia Benning will contact Indiana representatives to get more information and will contact Atlantic Associates."
- On page 4, under EMAIL REGARDING EXAM DATES, change the sentence to read, "The designated exam date cannot be modified to accommodate the U.W. graduation date."

MOTION: Michael Bettiga moved, seconded by Dan Luce, to approve the minutes of February 8, 2000 as amended. Motion carried unanimously.

SECRETARY CUMMINGS

Secretary Cummings introduced to the Board Mr. William Conway as the Department's new Deputy Secretary.

PRESENTATION OF PROPOSED STIPULATIONS

PAUL L NELSON, RPH

Presentation of proposed stipulation in the matter concerning Paul L. Nelson, R.Ph. by Attorney Arthur Thexton. This matter will be deliberated on in closed session.

JAY P JANKE, RPH

Presentation of proposed stipulation in the matter concerning Jay P. Janke, R.Ph. by Attorney Arthur Thexton. This matter will be deliberated on in closed session.

WILLIAM J CLARK, RPH

Presentation of proposed stipulation in the matter concerning William J. Clark, R.Ph. by Attorney Arthur Thexton. This matter will be deliberated on in closed session.

JAMES J KUNZ, RPH

Presentation of proposed stipulation in the matter concerning James J. Kunz, R.Ph. by Attorney Arthur Thexton. This matter will be deliberated on in closed session.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

This item was informational.

RULES STATUS UPDATES

Delivery, delegation and transfer rules have gone to the Clearinghouse and will be ready for hearing at the April meeting. It was suggested that the transfer rule should be put on the April meeting, delivery at the May meeting and delegation at the June meeting.

DISTRIBUTOR REQUESTS

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to accept distributor requests for Caremark, Inc of IL and ICN Dutch Holdings BV of Puerto Rico. Motion carried unanimously.

RxMARKETPLACE.COM

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to inform RxMarketplace.com that they do not need a distributor's license at this time. If they begin distribution in the future, they will need the license and should reapply. Motion carried unanimously.

ASSEMBLY BILL 725 RELATING TO STUDENT LOANS

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to Support Assembly Bill 725. Motion carried unanimously.

ASSEMBLY BILL 704 RELATING TO METHAMPHETAMINE MANUFACTURE WASTE

MOTION: Dan Luce moved, seconded by Michael Bettiga, to support Assembly Bill 704. Motion carried unanimously.

PERCOCET STRENGTH DESIGNATION ON WRITTEN SCHEDULE II CONTROLLED SUBSTANCES ORDERS AND DEA'S RESPONSE TO WHAT PHARMACISTS MAY CHANGE ON A PRESCRIPTION WRITTEN FOR SCHEDULE II-V CONTROLLED SUBSTANCES

William Black discussed the clarification from DEA and stated that Phar 8.05 may need to be changed to clarify the prescription orders for Schedule II drugs.

MOTION: Dan Luce moved, seconded by Cynthia Benning, to allow legal counsel to give out the board's current interpretation regarding this issue while a scope statement is being prepared to start the development of a change to the existing rule. Motion carried unanimously.

PRACTICE QUESTIONS

William Black will draft a letter responding to Dan Walters, R.Ph. regarding collaborative practice with a physician.

William Black will draft a letter responding to Al Bennin, R.Ph. informing him that the Board does not have jurisdiction regarding this issue and that Mr. Bennin may wish to contact the Department of Agriculture, Trade and Consumer Protection for possible action. John Bohlman left the room during this discussion and Sue Sutter assumed the duties of Chair in his absence.

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to ask the Medical Examining Board for clarification on the issues raised regarding the CBRF questions. Motion carried unanimously.

William Black will draft a letter responding to Thomas Anderson, R.Ph.

William Black will draft a letter responding to Patti O'Dwyer regarding use-dating requirements.

William Black will draft a letter responding to Sister De Salas Curti, R.Ph. regarding expiration date on a manufacturer's bottle.

PRESENTATION OF ADDS TELEPHARMACY SYSTEM

Ed Brezinski of ADDS, Inc. made a presentation to the Board regarding the new ADDS computer controlled telepharmacy system.

CORRESPONDENCE RELATING TO CONTINUING EDUCATION

Patrick Braatz will respond to Susan Luskin, R.Ph. regarding her questions about the new continuing education requirements by sending her a copy of the language that discusses continuing education the upcoming regulatory digest.

Patrick Braatz will respond to Navneet Singh, R.Ph. that credits regarding her Pharm.D. credits can be used toward meeting her continuing education requirements.

NABP CORRESPONDENCE RELATING TO REQUEST FOR PROPOSED CONSTITUTIONAL AMENDMENT TO THE BYLAWS AND DISCONTINUATION OF COORDINATION OF THE UTAH SCHOOL OF ALCOHOLISM & OTHER DRUG DEPENDENCIES PROGRAMS

This item was informational only.

PSW RESPONSE TO THE PROPOSED PIB RULES GOVERNING PHARMACY INTERNSHIP IN WISCONSIN

This item was informational only.

CONTINUED DISCUSSION ON PATIENT CONSULTATION EXAM

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to develop a scope statement to develop a rule to eliminate the Patient Consultation Examination. Roll call vote: Charlotte Rassmussen – no, Sue Sutter – yes,

Michael Bettiga – yes, Dan Luce – abstained, Cynthia Benning – no, Georgina Forbes – no, John Bohlman – yes. Motion failed.

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to direct the Examination Task Force to come back with recommendations for changing the examination. Roll call vote: Charlotte Rasmussen – yes, Sue Sutter – yes, Michael Bettiga – yes, Dan Luce – yes, Cynthia Benning – yes, Georgina Forbes – yes, John Bohlman – no. Motion carried.

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to introduce a resolution to NABP that the FPGEE Examination be given more times during the year. Motion carried unanimously.

DISCUSSION ON THE REVISION OF THE SELF-INSPECTION FORM

John Bohlman and Cynthia Benning will work out any changes that need to be done.

REVIEW OF PROPOSED RULES RELATING TO AUTOMATED DISPENSING OF PRESCRIPTION DRUGS

A discussion was held regarding the proposed rules and William Black will make the changes as suggested by the Board to this proposed rule. Chairman Bohlman appointed Dan Luce and Cynthia Benning to work with William Black regarding these proposed rules.

REPORT OF PHARMACY INTERNSHIP BOARD

Cynthia Benning reported there was no meeting of the Pharmacy Internship Board (PIB) since the last PEB meeting.

REPORT OF CONTROLLED SUBSTANCES BOARD

Cynthia Benning reported there was no meeting of the Controlled Substances Board (CSB) since the last PEB meeting.

RECESS TO CLOSED SESSION

MOTION: Dan Luce moved, seconded by Charlotte Rasmussen, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g), Wis. Stats., for the purpose of deliberation of proposed stipulations, considering requests for unlimited licenses, considering requests for three month stays of suspensions, considering a request for a three month stay of revocation, considering requests for changes in board orders, reviewing case status reports, consideration of the issuance of administrative warnings, review of applications, discussion of exam issues and consulting with legal counsel. Roll call vote: John Bohlman – yes, Sue Sutter – yes, Michael Bettiga – yes, Dan Luce – yes, Cynthia Benning – yes, Georgina Forbes - yes, Charlotte Rasmussen - yes. Motion carried unanimously.

Open session recessed at 2:02 p.m.

RECONVENE IN OPEN SESSION

MOTION: Sue Sutter moved, seconded by Dan Luce, to reconvene in open session.
Motion carried unanimously.

Open session reconvened at 4:30 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

JAMES MOORE, RPH

MOTION: Dan Luce moved, seconded by Michael Bettiga, to remove the limitations on the license of James Moore, R.Ph. and grant him an unlimited license.
Motion carried unanimously.

DENNIS COLLINS, RPH

MOTION: Cynthia Benning moved, seconded by Dan Luce, to grant Dennis Collins an unlimited license and to send a letter of congratulations. Motion carried unanimously.

ANDREW RICE, RPH

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to grant a three month stay of suspension for Andrew Rice, R.Ph. Michael Bettiga abstained.
Motion carried.

MARILYN KUHRT, RPH

MOTION: Michael Bettiga moved, seconded by Dan Luce, to grant a three month stay of suspension and to reduce the number of drug screens from 6 times per month to 4 times per month for Marilyn Kuhrt, R.Ph. Motion carried unanimously.

ROGER IVERSON, RPH

MOTION: Dan Luce moved, seconded by Sue Sutter, to deny a stay of suspension for Roger Iverson, R.Ph. Motion carried unanimously.

WILLIAM KARWOSKI, RPH

MOTION: Dan Luce moved, seconded by Michael Bettiga, to grant a three month stay of suspension for William Karowski, R.Ph. and to allow him to reduce his individual/group therapy sessions from once a week to twice a month, however if he is employed as a pharmacist he must return to one time per week therapy sessions. Motion carried unanimously.

THOMAS ROSE, RPH

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to deny a three month stay of revocation as well as the request for a change in the board order for Thomas Rose, R.Ph. Motion carried unanimously.

KEVIN PAMPUCH, RPH

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to grant a one month stay of suspension for Kevin Paumpuch and the Board has requested that all required information be available for the April meeting. Dan Luce abstained. Motion carried.

CORY FORD, RPH

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to grant a three month stay of suspension for Cory Ford, R.Ph., to decrease the number of drug screens from 8 to 6 a month and allow him to work 4 hours as pharmacist in charge, but cannot be alone in the pharmacy for any period of time. Motion carried unanimously.

RALPH KOCH, RPH

MOTION: Dan Luce moved, seconded by Cynthia Benning, to grant a three month stay of suspension for Ralph Koch, R.Ph. Motion carried unanimously.

DAVID KLEINGARTNER, RPH

MOTION: Georgina Forbes moved, seconded by Michael Bettiga, to grant a three month stay of suspension for David Kleingartner, R.Ph., but to deny his request for any increase in time. Motion carried unanimously.

JOHN R SCHMITT, RPH

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to grant a three month stay of suspension for John R. Schmitt, R.Ph. Michael Bettiga abstained. Motion carried.

DENNIS DEFENBAUGH, RPH

MOTION: Sue Sutter moved, seconded by Dan Luce, to grant a three month stay of suspension for Dennis Defenbaugh, R.Ph., but to deny his request for any change in drug screens. Motion carried unanimously.

JAMES MEYER, RPH

MOTION: Sue Sutter moved, seconded by Georgina Forbes, to grant a three month stay of suspension for James Meyer, R.Ph., but deny his request to make any changes in the board order. Motion carried unanimously.

PAUL NELSON, RPH

MOTION: Cynthia Benning moved, seconded by Dan Luce, to approve the stipulation regarding Paul Nelson, R.Ph. Motion carried unanimously.

MOTION: Dan Luce moved, seconded by Michael Bettiga, to grant a three month stay of suspension for Paul Nelson, R.Ph. Motion carried unanimously.

JAY P. JAHNKE, RPH

MOTION: Dan Luce moved, seconded by Charlotte Rasmussen, to approve the stipulation regarding Jay P. Jahnke, R.Ph. Motion carried unanimously.

WILLIAM J. CLARK, RPH

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to approve the stipulation regarding William J. Clark, R.Ph. Motion carried unanimously.

JAMES J. KUNZ, RPH

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to approve the stipulation regarding James J. Kunz, R.Ph. Motion carried unanimously.

CASE STATUS REPORT

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to close complaint 99 PHM 070 administratively against the pharmacy. Motion carried unanimously.

MOTION: Charlotte Rasmussen moved, seconded by Cynthia Benning, to close complaint 99 PHM 076 for prosecutorial discretion. Dan Luce abstained. Motion carried.

MOTION: Charlotte Rasmussen moved, seconded by Michael Bettiga, to close complaint 98 PHM 078 for insufficient evidence. Dan Luce abstained. Motion carried.

MOTION: Dan Luce moved, seconded by Cynthia Benning, to close complaint 99 PHM 010 for prosecutorial discretion. Motion carried unanimously.

QUILLINS MAJOR DRUG
ROBERT M. SCHWANDT, RPH

MOTION: Dan Luce moved, seconded by Cynthia Benning, to issue an Administrative Warning to Quillins Major Drug Pharmacy and Robert M. Schwandt, R.Ph., regarding complaint 98 PHM 070. Motion carried unanimously.

STEPHEN HUNT, RPH

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to issue an Administrative Warning to Stephen Hunt, R.Ph. regarding complaint 99 PHM 069. Dan Luce abstained. Motion carried.

DEFOREST PHARMACY
JOHN J. POLICELLO, RPH

MOTION: Sue Sutter moved, seconded by Charlotte Rasmussen, to issue an Administrative Warning to DeForest Pharmacy and John J. Policello, R.Ph., regarding complaint 99 PHM 035. Motion carried unanimously.

WALTER E. NELSEN, RPH

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to issue an Administrative Warning to Walter R. Nelsen, R.Ph. regarding complaint 00 PHM 002. Dan Luce abstained. Motion carried.

STEVE ALMEIDA

MOTION: Dan Luce moved, seconded by Cynthia Benning, to allow Steve Almeida to be a candidate for licensure. Motion carried unanimously.

EXAM ISSUES

Duane Dorn met with the Board to discuss exam issues.

DISCUSSION OF ITEMS FOR PRESENTATION AT PSW LEGISLATIVE DAY BY PEB
MEMBERS

All Board members will try to attend.

ADJOURNMENT

The meeting adjourned by consensus at 5:00 p.m.

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